

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Darren Don Shannon,

Plaintiff,

v.

ORDER

Civil No. 08-3261(MJD/AJB)

Greg Lindell et al.,

Defendants.

The above-entitled matter comes before the Court upon Defendants' objection to the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated August 4, 2009.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court will adopt the Report and Recommendation dated August 4, 2009.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion to Voluntary without Prejudice [Doc. No. 46] is GRANTED;
2. Plaintiff's Motion for Summary Judgment [Doc. No. 28] is DENIED as moot.

3. Defendants' Motion to Dismiss [Doc No. 36] is DENIED as moot.
4. This case is dismissed without prejudice.

Date: August 13, 2009

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court

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